

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**INFORMAL SESSION
November 14, 2005**

The Board of Supervisors of Maricopa County, Arizona convened in Informal Session at 9:00 a.m., November 14, 2005, in the Tom Sullivan Conference Room, 301 W. Jefferson, Phoenix, Arizona, with the following members present: Max W. Wilson, Chairman, District 4; Don Stapley, Vice Chairman, District 2, Fulton Brock, District 1 and Andrew Kunasek, District 3. Absent: Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Administrative Coordinator; David Smith, County Manager; Paul Golab, Deputy County Attorney and Anne Longo, Assistant Chief Counsel. Votes of the Members will be recorded as follows: aye-nay-absent-abstain.

EXECUTIVE SESSION CALLED

Pursuant to A.R.S. §38-431.03, motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to recess and reconvene in Executive Session to consider items listed on the Executive Agenda for this date, as follows.

LEGAL ADVICE; PENDING OR CONTEMPLATED LITIGATION – ARS §38-431.03(A)(3) AND (A)(4)

E-1. Compromise Cases – Barbara Caldwell, Outside Counsel
Elijah Grisby
Seth Hyden
Carmen Mercado

E-2. Write-Off Cases – Barbara Caldwell, Outside Counsel
Bobby Ealim and Derrick Ealim
Rebecca Priddy
Sheriff's Uncollectible Accounts

PENDING OR CONTEMPLATED LITIGATION – ARS §38-431.03(A)(4)

E-3. Southwest Gas Corp. v. Arizona Dept. of Revenue, Maricopa County, et al.
Case No. TX 2001-000473
Jean Rice, Deputy County Attorney
Jerry A. Fries, Esq., Outside Counsel

CONTRACTS SUBJECT TO NEGOTIATION – ARS§38-431.03(A)(4)

E-4. Sundome Operation Contract
William Scalzo, Assistant County Manager
Wes Baysinger, Director, Materials Management
Julie Schweigert, Assistant Director
Karen Stewart, Management Analyst
David LaFond, Procurement Consultant
Otis Smith, Deputy County Attorney

MEETING RECESSED AND RECONVENED IN OPEN SESSION

Chairman Wilson recessed Executive Session and reconvened the Board in Open Session at 9:50 a.m. to vote on the two following agenda items. All members, as given above, remained in session.

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AGREEMENT WITH ARIZONA BOARD OF REGENTS FOR SUNDOME CENTER ACQUISITION

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve an agreement with the Arizona Board of Regents, for and on behalf of Arizona State University, for the acquisition of the Sundome Center for the Performing Arts and the adjacent parking lot for \$10 plus all other necessary expenditures to complete the transaction including closing and survey costs. Authorize the Chairman to execute all documents approved by the County Attorney's office to complete the acquisition. This item is continued from September 30, 2005. (C0606024100) (ADM811-009)

OPERATING CONTRACT FOR SUNDOME CENTER FOR THE PERFORMING ARTS

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve a contract with Nederlander Downtown, Inc. to act as the facilities manager for the Sundome Center. The initial term of the contract will be ten years with an option to extend for an additional term of ten years based upon the requirements as contained in the contract as discussed in Executive Session on November 14, 2005. (ADM811-009)

EXECUTIVE SESSION RECONVENED

Chairman Wilson recessed Open Session and reconvened Executive Session at 9:53 a.m. to consider the following portion of the Executive Agenda:

PENDING OR CONTEMPLATED LITIGATION; SETTLEMENT DISCUSSIONS CONDUCTED IN ORDER TO AVOID OR RESOLVE LITIGATION – ARS §38-431.03(A)(4)

E-7. Gail Goddard Claim

Richard A. Stewart, Deputy County Attorney
Peter J. Crowley, Risk Manager
Patrick Spencer, Claims Manager
James Fritsch, Claims Adjuster

OPEN SESSION RECONVENED

Chairman Wilson recessed Executive Session and reconvened the Board in Open Session to vote on the agenda item for the Gail Goddard Claim at 10:18 a.m. All members, as given above, remained in session.

SETTLEMENT OF GODDARD V. MARICOPA COUNTY

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the settlement of a portion of the Goddard v. Maricopa County claim, GL6911029774 in the amount up to \$100,000 as discussed in Executive Session on November, 14, 2005. (ADM409)

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EXECUTIVE SESSION RECONVENED

Chairman Wilson recessed Open Session and reconvened Executive Session at 10:20 a.m. to consider the following portion of the Executive Agenda.

SETTLEMENT DISCUSSIONS CONDUCTED IN ORDER TO AVOID OR RESOLVE LITIGATION – ARS §38-431.03(A)(4)

**E-5. Julia Lara-Mendoza v. Maricopa County, et al.
Maricopa County Superior Court Cause No. CV2003-021815**

Maria R. Brandon, Deputy County Attorney
Peter Crowley, Risk Manager
Patrick Spencer, Claims Manager

**E-6. Racheal P. Zamora, et al. v. Maricopa County, et al.
U.S. District Court Cause No. CIV04-2059-PHX-EHC**

Maria R. Brandon, Deputy County Attorney
Peter Crowley, Risk Manager
Patrick Spencer, Claims Manager

**LEGAL ADVICE; PENDING OR CONTEMPLATED LITIGATION; SETTLEMENT DISCUSSIONS
CONDUCTED IN ORDER TO AVOID OR RESOLVE LITIGATION – ARS §38-431.03(A)(3) and (A)(4)**

**E-8. Anthony Ramos v. Maricopa County, et al.
Superior Court No. CV 2003-004559**

Richard Stewart, Deputy County Attorney
Dennis Carpenter, Deputy County Attorney
Peter Crowley, Risk Manager
Patrick Spencer, Claims Manager

LEGAL ADVICE – ARS §38-431.03(A)(3)

E-9. County Regional School District/Accommodation Schools funding issues

Anne Longo, Assistant Chief Counsel, Civil Division
Bruce White, Deputy County Attorney
Paul Golab, Deputy County Attorney
Sandi Wilson, Deputy County Manager
Brian Hushek, Deputy Budget Director

PERSONNEL MATTERS – PROMOTION, DEMOTION, SALARY, ETC. – ARS §38-431.03(A)(1)

E-10. County Internal Auditor Annual Performance Review

Shawn Nau, Total Compensation
Ross Tate, Internal Auditor

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E-11. Clerk of the Board Annual Performance Review

Shawn Nau, Total Compensation
Fran McCarroll, Clerk of the Board

MEETING ADJOURNED

After discussion on the above items, and there being no further business to come before the Board, the meeting was adjourned.

Max W. Wilson, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board